

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
LAS VEGAS, NEVADA**

LOCAL OPERATING PROCEDURES

Procedure 1. Motions in General

- A. In addition to complying with 8 C. F. R. § 3.23, routine pre-trial motions should be accompanied by a proposed order, in triplicate.
- B. All pre-trial and post-trial motions shall be decided on the basis of the written record, unless the Court determines that oral argument is necessary to make a decision on the motion.
- C. Failure of a party to respond to a motion within thirteen (13) days of it being filed by the opposing party may result in the motion deemed unopposed.
- D. Motions filed with the Court must contain proof that appropriate filing fees, if any, have been paid (or an application for waiver of such fees) and contain a certificate that the motion has been properly served on the opposing party.

Procedure 2. Continuances

- A. Parties seeking a continuance of any scheduled hearing before the Court shall file a written motion for continuance no less than ten (10) calendar days prior to the scheduled hearing. The motion shall set forth the reason's that the continuance is requested.
- B. Motions for continuance within the ten (10) day period prior to the hearing shall be considered only in the discretion of the Court in extraordinary circumstances.
- C. No ex parte requests for continuance will be accepted.
- D. Unless notified by the Court that the motion for continuance has been granted, all parties must attend the hearing and be prepared to proceed.
- E. Counsel are encouraged to seek agreement on continuances prior to submission of the motion.

Procedure 3. Trial Preparation

A. At the Master Calendar hearing, the parties shall be prepared as follows:

1. Respondent shall be prepared to respond, in oral or written form, to the allegations contained in the charging document.
2. Respondent shall be prepared to indicate all applications for relief sought.
3. Respondent shall be prepared to state (in hours) the estimated time to present the case at trial.
4. The Immigration and Naturalization Service (INS) shall be prepared to state its position on all issues and applications for relief. The INS should exercise its authority under 8 C. F. R. § 240.10 (e) and § 3.30 so that any additional charges are served upon the Respondent and the Court no less than ten (10) days in advance of the scheduled trial (merit hearing).
5. The INS shall be prepared to state (in hours) the time needed to present the case at trial.

B. Telephonic Master Calendar appearances by non-local counsel may be requested by written motion no later than ten (10) calendar days in advance of the scheduled Master Calendar. Such motion will contain an EOIR form 28 (Appearance of Counsel), if not already on file with the Court. Approval is discretionary with the Court.

C. At the trial (Individual Hearing calendar), both parties shall be prepared to present all remaining testimony and evidence on all issues.

D. Informal pretrial conferences between counsel to narrow issues and explore avenues of resolution are encouraged in advance of trial. Motions for formal pretrial conferences should be submitted in writing to the Court well in advance of trial.

Procedure 4. Filing Procedure.

A. In addition to complying with 8 C. F. R. § 3.31 and § 3.32, all documents and applications submitted for consideration by the Court shall be two-hole punched at the top of the page with holes 2 3/4" apart. All exhibits and documents in support of a motion or claim shall be paginated and shall, if appropriate (more than two documents), have as a first page a table of contents with page number identification. The use of tabs with letter designation is recommended when necessary.

- B. In addition to complying with 8 C. F. R. § 3.31 and § 3.32, all proposed exhibits and briefs shall be filed with the Court no later than ten (10) calendar days prior to the scheduled trial, unless otherwise authorized or required by the Court.
- C. All asylum applications will be filed in Court and the applicant will be present in Court at the time of filing to receive the appropriate warnings and to swear to the truth of the application.
- D. All filings with the Court will consist of the original and one (1) copy.
- E. All filings must contain a certificate or service on the opposing party.
- F. All filings must contain proof of the payment of appropriate filing fees, if any, or an application for waiver of such fees due to indigence.
- G. The Court will set dates for the filing of applications for relief. Failure to file the application, with appropriate fees paid or an application for waiver thereof, by such date will be deemed an abandonment of the relief involved.

Procedure 5. Ex Parte Communication

Ex parte communication with the Court regarding any case is prohibited.

Procedure 6. Withdrawal/Substitution of Attorney/Representative.

A. Pursuant to 8 C.F.R. § 3.17 (b), withdrawal of attorney or representative shall be requested by an oral or written motion to withdraw addressed to the Immigration Judge to whom the matter is assigned, and shall set forth the following:

1. The reason(s) for the request to withdraw;
2. The current or last known address of the client;
3. A statement as to whether or not client was advised of any currently scheduled hearings, and if not, the efforts made to contact and notify the client;
4. A statement that the client was served with a copy of the motion, or, if a copy of the motion was not served upon the client, a statement of reasons why such service was not possible or successful; and
5. Evidence of the client's consent to withdraw, or a statement of why such consent is unobtainable.

B. Substitution of attorney or representative shall be requested by oral or written motion addressed to the Immigration Judge to whom the matter is assigned, accompanied by a Form EOIR-28 (Notice of Entry of Appearance of Attorney or Representative) completed by the attorney or representative to be substituted, and, unless impracticable, signed by the client.

C. A motion to withdraw/substitute can be submitted at any time during the hearing process. However, the number of days remaining before the next hearing will be taken into consideration, along with the reasons given for the withdrawal/substitution in the determination as to whether the motion will be granted or denied.

D. In relation to any motion to withdraw, an attorney or representative shall be considered the counsel of record for all purposes until such time that an Immigration Judge issues an order, either orally on the record or in writing, granting the motion to withdraw.

/S/
Michael J. Creppy
Chief United States Immigration Judge